

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KENT E. GREENHALGH,

Plaintiff,

v.

1:19-cv-00404-JCH-LF

ANDREW SAUL, *Commissioner of  
the Social Security Administration,*

Defendant.

**ORDER ADOPTING IN PART AND MODIFYING IN PART  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

This matter is before the Court on Plaintiff Kent E. Greenhalgh's Response to the magistrate judge's Proposed Findings and Recommended Disposition ("PFRD") (Doc. 30), filed on May 8, 2020. Doc. 31. Having reviewed both the PFRD and Mr. Greenhalgh's response, the Court adopts the PFRD in part, and modifies it in part.

In the PFRD, the magistrate judge recommends the Court dismiss Mr. Greenhalgh's case with prejudice due to his failure to prosecute. Doc. 30. These failures included Mr. Greenhalgh's failure to file his motion to reverse or remand and his failure to respond to the court's order to show cause. *See id.* The Court agrees with the magistrate judges' finding that the court's records indicate that the Order Setting Briefing Schedule entered on January 28, 2020 (Doc. 28) and the Order to Show Cause entered on April 6, 2020 (Doc. 29) were sent to Mr. Greenhalgh's address of record, and that there is no indication in the Court's records that he did not receive these documents. *Id.*

Despite this evidence, Mr. Greenhalgh claims that he never received either the Order Setting Briefing Schedule (Doc. 28) or the Order to Show Cause (Doc. 29). Doc. 31. Mr. Greenhalgh asks for the Court's leniency to allow him to file his motion to remand "in short


order” and for the Court to send him a briefing schedule. *Id.* at 2.

The Court will grant Mr. Greenhalgh until **May 28, 2020** to file his Motion to Reverse and/or Remand. If Mr. Greenhalgh does not file his motion by this deadline, the Court will fully adopt the magistrate judge’s recommendation that this case be dismissed with prejudice for failure to prosecute. The briefing deadlines are reset as follows:

- (1) Plaintiff shall file a Motion to Reverse or Remand Administrative Agency with Supporting Memorandum on or before **May 28, 2020**;
- (2) Defendant shall file a Response on or before **July 27, 2020**;
- (3) Plaintiff may file a Reply on or before **August 11, 2020**;
- (4) All supporting memoranda filed pursuant to this order shall cite the transcript or record in support of assertions of fact and shall cite authority in support of propositions of law; and
- (5) **All requests for extensions of time altering the deadlines set in this order shall be made by a motion to the Court.** If the parties concur in seeking an extension of time, they shall submit a stipulated proposed order to the Court for approval.

The Court further directs the Clerk of Court to mail this order to Mr. Greenhalgh at his address of record, and to document such mailing on the docket.

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE